

HOUSE BILL 3790
By McCord

AN ACT to amend Tennessee Code Annotated, Title 13
and Title 68, relative to developments.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 13, is amended by adding the following language as a new chapter:

§13-8-101.

This chapter shall be known and may be cited as "The Tennessee Mountain and Hillside Protection Act".

§13-8-102.

This chapter shall apply to any proposed development that will be located on a mountainside or hill and is estimated to be thirty (30) or more acres in size. If a development is to be constructed in phases, the estimated size of the development shall be the estimated size of the development upon completion of all planned stages.

§13-8-103.

An environmental impact study (EIS) shall be conducted prior to the approval of a proposed development subject to this chapter pursuant to §13-8-102. The EIS shall be submitted to the local planning commission or, if there is no local planning commission, the local legislative or administrative body that has jurisdiction over the proposed development area. The local authority shall consider the EIS as part of the approval process. An EIS shall include an assessment of the impact of the proposed development on:

- (1) Wildlife located in the area of the proposed development and in areas surrounding the proposed development;

- (2) Water runoff in the area of the proposed development;
- (3) Erosion in the area of the proposed development; and
- (4) Any existing water table used by residents located near the proposed development.

The EIS shall also include an assessment of the impact of waste management facilities established by the proposed development on areas surrounding the proposed development.

§13-8-104.

No proposed development subject to this chapter pursuant to §13-8-102 shall:

- (a) Be located on a ridgeline or within one hundred feet (100') of a ridgeline. In addition, no building or other manmade object shall extend above the height of the ridgeline;

- (b) Involve the clear cutting of trees in the proposed development area.

Trees removed during construction of the proposed development shall be replaced with native hardwood or evergreen trees as much as is practical; or

- (c) Fail to incorporate shielded, low-wattage lighting.

§13-8-105.

Any developer of a proposed development subject to this chapter pursuant to §13-8-106 shall furnish a surety bond executed by the developer (as principal) and by a surety company qualified to do business in this state (as surety). The bond shall be in a form approved by the local planning commission or, if there is no local planning commission, the local governing body, and shall be executed to the commission or governing body in favor of any person who may suffer loss or damage resulting from the proposed development.

§13-8-106.

No proposed development subject to this chapter pursuant to §13-8-102 that fails to meet the requirements of this chapter shall be approved by the local planning commission or, if there is no local planning commission, the local governing body.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.